

AMENDED

Nº 43194

APPLICATION FOR PERMIT  
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office..... FEB 10 1981  
Returned to applicant for correction..... APR 1 1981  
Corrected application filed..... MAY 22 1981  
Map filed..... JUN 11 1981

The applicant..... Henry Filippini, Jr.  
P. O. Box 367....., of Battle Mountain.....  
Street and No. or P.O. Box No. City or Town  
Nevada 89801....., hereby make..... application for permission to appropriate the public  
State and Zip Code No.  
waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorpora-  
tion; if a copartnership or association, give names of members.).....

1. The source of the proposed appropriation is..... Mill Creek  
Name of stream, lake or other source.
2. The amount of water applied for is..... 20 cfs..... second-feet  
One second-foot equals 448.83 gals. per min.  
(a) If stored in reservoir give number of acre-feet..... acre-feet
3. The water to be used for..... Irrigation  
Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.
4. If use is for:
  - (a) Irrigation (state number of acres to be irrigated)..... 2990 acres
  - (b) Stockwater (state number and kinds of animals to be watered).....
  - (c) Other use (describe fully under "No. 12. Remarks").....
  - (d) Power:
    - (1) Horsepower developed.....
    - (2) Point of return of water to stream.....
5. The water is to be diverted from its source at the following point: SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 22, T29N,  
R44E, MDB&M., at a point from which the SW Corner of said Section 22  
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land,  
bears S 57° 03' 34" W 2202.12 feet.  
it should be stated.
6. Place of use SW $\frac{1}{4}$  SE $\frac{1}{4}$ , E $\frac{1}{2}$  SW $\frac{1}{4}$ , NW $\frac{1}{4}$  SW $\frac{1}{4}$ , SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 22, NE $\frac{1}{4}$  NE $\frac{1}{4}$   
Describe by legal subdivision, if on unsurveyed land it should be so stated.  
Section 20, T29N, R44E, MDB&M., All of Section 11, All of Section  
13, SW $\frac{1}{4}$ , S $\frac{1}{2}$  NW $\frac{1}{4}$ , SW $\frac{1}{4}$  NE $\frac{1}{4}$ , W $\frac{1}{2}$  SE $\frac{1}{4}$ , SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 12, N $\frac{1}{2}$  NE $\frac{1}{4}$ ,  
Portion of SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Portion of NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 14, E $\frac{1}{2}$  Section 23;  
W $\frac{1}{2}$  Section 16; N $\frac{1}{2}$  Section 28, T29N, R43E, MDB&M.
7. Use will begin about January 1..... and end about December 31....., of each year.  
Month and Day Month and Day
8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and  
specifications of your diversion or storage works.)..... Earth, Dam and Reservoir,  
Pipeline and Sprinkler System and Ditches.  
State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with pump and motor, etc.

9. Estimated cost of works.....\$150,000
10. Estimated time required to construct works.....3 years  
If well completed, describe works.
11. Estimated time required to complete the application to beneficial use.....5 years
12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Due to the high cost of pumping the existing wells, we are planning on storing the waters of Mill Creek in a reservoir and using gravity to produce pressure to run the sprinkler systems. The waters of Mill Creek do not reach the Place of Use at the present time due to loss through gravels and evaporation. The waters of this application are to be co-mingled with all prior rights on the Place of Use. Plans for the reservoir and dam will follow:

By.....s/Alan S. Boyack  
Signature, applicant or agent  
Alan S. Boyack, Agent  
515 South Fifth Street  
Elko, Nevada 89801

Compared ha/bl.....bt/ja

APPROVAL.....OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to all existing rights on the source. A substantial headgate and measuring device must be installed and maintained to facilitate the measurement and control of water. The State retains the right to regulate the use of the water herein granted at any and all times.

The approval of this application does not waive the provisions of NRS 503.581 to 503.589, and NRS 527.260 to 527.300 which provides protection for native fauna and flora.

The total combined duty of water under this permit and Permit 20146, 20147, 25039, 27090, 27091, 33139, 34603, 35215, 36350, 35351, 35352, 32353 inclusive and proofs of appropriation 0746 and 01315 shall not exceed 4.0 acre-feet.

This permit is subject to the condition that the permittee must ensure that wildlife which have customarily used such water will have access thereto, NRS 533.367.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal, and local agencies.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed.....20.0.....cubic feet per second, but not to exceed a yearly duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Actual construction work shall begin on or before.....N/A.....

Proof of commencement of work shall be filed before.....N/A.....

Work must be prosecuted with reasonable diligence and be completed on or before.....August 24, 1983.....

Proof of completion of work shall be filed before.....September 24, 1983.....

Application of water to beneficial use shall be made on or before.....August 24, 1986.....

Proof of the application of water to beneficial use shall be filed on or before.....September 24, 1986.....

Map in support of proof of beneficial use shall be filed on or before.....September 24, 1986.....

Commencement of work filed.....OCT 17 1983.....  
Completion of work filed.....OCT 11 1993.....  
Proof of beneficial use filed.....OCT 11 1993.....  
Cultural map filed.....  
Certificate No. 14227 Issued SEP 25 1995 A.D. 1982

IN TESTIMONY WHEREOF, I.....PETER G. MORROS.....  
State Engineer of Nevada, have hereunto set my hand and the seal of  
my office, this.....24th.....day of.....AUGUST.....

*[Signature]*  
State Engineer